

Stephen L. Griffith, OSB No. 77198
slgriffith@stoel.com
STOEL RIVES LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204
Telephone: (503) 224-3380
Facsimile: (503) 220-2480

Cameron L. Sabin (*Pro Hac Vice*)
clsabin@stoel.com
201 South Main Street, Suite 1100
Salt Lake City, Utah 84111
Telephone: (801) 328-3131
Facsimile: (801) 578-6999

Attorneys for Defendant Union Bank of California

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

MARK ORTMAYER,

Plaintiff,

v.

UNION BANK OF CALIFORNIA, N.A.;
CAL-WESTERN RECONVEYANCE
CORPORATION,

Defendants.

Civil No. CV-04-1580

**STIPULATED MOTION TO STAY
LITIGATION**

On July 13, 2005, the plaintiff Mark Ortmyer ("Ortmayer") and defendants Union Bank of California ("UBOC") and Cal-Western Reconveyance Corporation ("Cal-Western") (collectively "the parties") participated by telephone in a Rule 16 conference with the Court. During the conference, Ortmyer advised the Court that he had filed a Chapter 7 bankruptcy.

Based upon this representation by Ortmyer, the Court ordered the parties to advise the Court, in writing, no later than July 29, 2005, of what effect, if any they believe the filing of the bankruptcy has on this proceeding and the Court's ability to proceed with this case. Following the telephone conference, the parties researched the question posed by the Court and have collectively come to the following determinations: (1) pursuant to the relevant provisions of the Bankruptcy Code and pertinent case law, Ortmyer's claims against UBOC and Cal-Western became property of the bankruptcy estate at the time of the filing of the bankruptcy petition and can only be prosecuted by the trustee in bankruptcy, subject to the trustee's abandonment of those claims as assets of the estate; and (2) pursuant to the automatic stay provisions of the Bankruptcy Code, UBOC's counterclaim against Ortmyer is stayed pending either dismissal of the bankruptcy or an order by the bankruptcy court granting UBOC relief from the stay.

Based upon the foregoing, the parties hereby stipulate and move this Court to stay this case pending (1) a determination by the trustee in bankruptcy whether he will prosecute Ortmyer's claims or elect to abandon those claims and (2) a determination by the bankruptcy court regarding whether it will grant UBOC relief from the automatic stay.

DATED this 29th day of July, 2005.

STOEL RIVES LLP



STEPHEN L. GRIFFITH

OSB NO. 77198

CAMERON L. SABIN

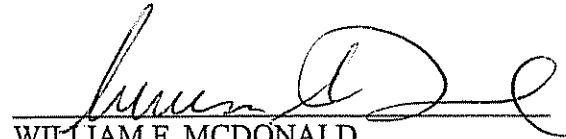
Pro Hac Vice

Telephone: (503) 294-9203

Attorneys for Union Bank of California

DATED this 29th day of July, 2005.

PITE DUNCAN & MELMET, LLP



WILLIAM F. MCDONALD
ORS NO. 02389

Attorney for Cal-Western Reconveyance
Corp.

DATED this _____ day of July, 2005.

MARK ORTMAYER

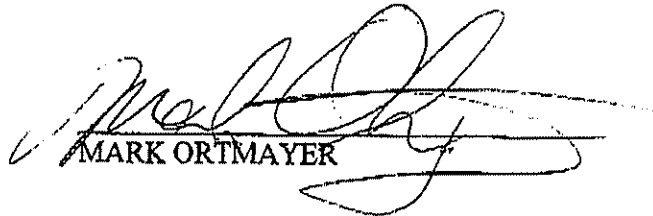
DATED this ____ day of July, 2005.

PITE DUNCAN & MELMET, LLP

WILLIAM F. MCDONALD
ORS NO. 02389

Attorney for Cal-Western Reconveyance
Corp.

DATED this 29 day of July, 2005.



MARK ORTMAYER